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**Excerpt from the  
Monday, January 28, 2002  
CITY PLANNING COMMISSION  
MINUTES  
220 City Hall  
Minneapolis, Minnesota 55415  
4:30 p.m.**

**11 1501 (restaurant) and 1507 (parking lot) 6th Street South (6<sup>th</sup> Ward - BZZ-433,  
Site Plan Review)**

Application by Jesse's Concepts d.b.a. Baja Riverside for site plan review of a restaurant and accessory parking lot. This item was continued at the January 14, 2002 meeting. (Staff, Jim Voll)

Jim Voll presented the staff report.

Commissioner Johnson asked if the community garden were to be stopped in the future, would there be some other plan that they would have to implement?

Voll, staff, replied it was referenced in his staff report that if they decided to no longer have a community garden, they would need to install three foot high bushes, 60% opaque, that was the general standard. It would be either the gardens or the landscaping. The public hearing was opened.

Abdirizak Bihi, 1530 6<sup>th</sup> St S, Riverside Plaza Apartment, indicated that 6<sup>th</sup> street was very tiny between his apartment and this property. He also represented the Riverside community, they were at the last meeting. He displayed some pictures showing the school children and the buses there every morning, afternoon and evening that pick up unescorted children from right in front of the building. He understood that this property wasn't being issued a liquor license by this committee, but it was in the process in the future. There are nine bars and all of the businesses and night clubs are on Cedar Avenue and Riverside. This is the only business in the middle of the residential area where the children were picked up in the morning.

President Martin noted that the property was appropriately zoned for the use that was proposed there.

Mr. Bihi replied that he did understand. The community has changed since the last time it was a bar. If you look around that neighborhood, there is not a single [parking] space even in the afternoon when everybody is at work and it was very difficult for people to cross to the other side [of the street] for the public housing. It was to the point of where there were about four police patrol cars patrolling 6<sup>th</sup> Street and 15<sup>th</sup> Street to help children cross. If it was not licensed for alcohol, to have that place as a business would increase the problem. The LRT project would not be useful to the community if this property was licensed or became a business serving alcohol in the future because as he mentioned earlier, a huge number of that population, over 50%, go to work part time at unskilled labor in the evening until 1:00 AM. They would be using LRT in the future and it would be difficult because this property was sandwiched between the LRT and the

1

community. They also had a place of worship within 500 yards of this, it was right across the street. It would not be convenient for them. Mr. Voll, the Planner was concerned about the site plan and the gardens. There was a tremendous population that lived in the area. He thought that the population and their families were more important than the landscaping that staff spoke about.

Robert Johnson, 1500 6<sup>th</sup> St. S, indicated that he had a 99 year old building which was boarded up until he bought it ten years ago. He knew this area very well. Number one, until the 1970's when the Riverside Plaza was constructed, there were three bars on this intersection. There was Jim's Bar, the building that he had which was boarded up in 1980. There was Nick's Bar at 1501, and there was Mike's Bar on the corner across the street. Mike's Bar was removed because of the construction of I-35 and Currie Park. Around the corner was Joe's Bar within 100 feet, so there were four bars right there. They have already had a reduction of 75% of bars at this intersection over the last 20 years. Number two, the bus stop that was mentioned was one block to the East, it was not directly across the street from 1501. Number three, the mention of a place of worship, a Mosque, was half a block to the North in a building which was put on a removal list, conditional use permit 149, dated 1971, which enabled the construction of the old Cedar Square West, now known as Riverside Plaza. That place of worship was in a building under a demolition order. It had no certificate of occupancy, therefore it was illegal. Therefore, it being within 500 feet played no role. He really greeted this new business and supported it completely. This parking lot had always been a real problem, [including the one shown on the site plan] and the rest of it which goes down toward 16<sup>th</sup> Avenue. This parking lot has always been full of trash and litter and has never been cleaned up, particularly over the last two years when it had been operated by James Bartlett. The sidewalks have never been plowed. The snow has never been removed. Mr. Bartlett picks up the coins from his coin box, rips open the envelopes, removes the coins and tosses [the envelopes] on the ground. He sometimes goes over and picks them up. He really greeted the opportunity of having Raul Sacta come into this property and to help him try to clean up this end of the block.

Dennis Nishida, 1500 6<sup>th</sup> St. S, stated that he was speaking in favor of approval of the site plan review for Baja Riverside. As long as he had lived there, which was about six years, the neighborhood had not had a Hispanic restaurant and this would be a sit-down restaurant rather than fast food. He thought that the plans that Raul Sacta had to develop that property were in keeping with the diverse community in Cedar Riverside. He was in favor of the Baja Riverside Restaurant going there.

Jim Bartlett, 100 2<sup>nd</sup> St. SE, owner of Total Park Incorporated that owns a portion of the parking lot in question. He was speaking about a number of issues in the staff report. If he was not mistaken, this matter came before the Commission two weeks ago and was continued. At that time, it had a different site plan than what was before the Commission tonight.

President Martin noted that the Commission did not have a presentation at the last meeting and had not seen the site plan.

Mr. Bartlett stated that when the submission was made, it had a different site plan. That site plan was reviewed at the site plan review meeting that the City has with Fire, Police, Public Works and other staff. Since that time, there was a site plan dated January 21<sup>st</sup> that was presented before the Commission for approval that had not been seen by those people and had changed significantly from the one that was viewed by those staff. He requested that the new site plan go back for review. He owns property there and they also own part of the building next to it. There were concerns about fire access and things of that nature, so he would ask that be revisited by those people and see that they concur that there were no problems.

Commissioner Bradley asked if he had any problems with this site plan?

Mr. Bartlett replied no. He was not a professional to address the issues about fire access and things of those nature and he knew that hadn't been seen by those people. One of the main concerns that he had was that the staff report said that this plan was in compliance with the Comp Plan and the City's guidelines. The Franklin, Cedar Riverside Transit Orientation Master Plan, was adopted by the City in December and by the City Council on December 28<sup>th</sup>. He had read it thoroughly and he did not believe that a number of elements of this proposal were consistent with that Plan. He thought it vaguely complied with some of those plans, but not in detail. He disagreed with the conclusions of the report that they did comply with that plan. He also wanted to address Mr. Johnson's comments about his picking up coin bags and throwing them on the property. He had never done anything like that in his life and he resented the statement. The parking lots had been messy and dirty and were a source of litter. It was an embarrassment to him. It was hard to keep up with and he was hopeful with new development in the area that had the potential of taking place, that that would not occur any further. It was an ongoing issue, he would admit to that, but he had not been a part of it.

Commissioner Bradley indicated on the 9<sup>th</sup> of January, the Star Tribune printed an article saying that he [Mr. Bartlett] was proposing a new retail and apartment project on this site and the site East of it.

Mr. Bartlett replied that was correct.

Commissioner Bradley asked if that project was going to go ahead?

Mr. Bartlett replied he hoped so.

Commissioner Bradley asked when that project moved ahead, what would happen to the parking for that restaurant?

Mr. Bartlett replied what they would be proposing at that time, assuming the applicant was successful obtaining a liquor license, which they did not know at this point whether they would or not, they would be proposing to build an underground parking ramp as a portion of that project and to provide parking for those three buildings businesses.

Mark Anderson, Attorney representing Raul Sacta, applicant (2701 Pillsbury Av. S), 2605 E Cliff Rd, Burnsville, commented on Mr. Bartlett's statement that it was a slightly revised plan. They tried to make it conform more with Mr. Voll's recommendations. This one was almost identical to the way that staff was recommending. It was almost like what the final plan would look like after it was finally approved. Not that it was relevant, but Mr. Bartlett cited the Franklin Cedar Riverside Master Plan and he thought that Mr. Sacta's plan was very much in accordance with all of the goals of the long term plan. It was stated in the Plan many times that commercial development was favored. He was going to have a public business that would accommodate anyone willing to go in the door. It would have long hours and it would be a big benefit to that corner. He was very proud of the plan that he had submitted. He believed it would be a great improvement on that corner. There really hadn't been any improvements of any type on that corner for at least a couple decades. When this plan was finished, it would look great. The front would have a wrought iron fence. The landscaping would fit in with the plan very well. He was at 20% landscaping if they counted the community gardens. He would remove those if the Commission thought he should, but the neighborhood residents seemed really dedicated to keeping those in place. As a way to accommodate them, he was going to leave them "as-is." They are very well tended gardens. It is a good plan.

President Martin noted that they were not like New York City where they wanted to get rid of community gardens.

Commissioner Tucker asked if the applicant was OK with all of the conditions?

Mr. Anderson replied yes.

John Eckley, 2515 W 40<sup>th</sup> St, West Bank Partnership, indicated that they had owned the building at 1501 6<sup>th</sup> St since 1981. This has been a restaurant and bar since that time, Knickerbockers was there in 1983 and that has always been an anchor tenant in that area. When there was no longer a restaurant or bar there, that neighborhood becomes quite barren. It has been a bar since 1892. It was the oldest existing restaurant/bar in Minneapolis. They have never had a problem with anything in that neighborhood. Mr. Sacta runs a decent restaurant now in Minneapolis and he was looking forward to his new development.

The public hearing was closed.

President Martin asked Mr. Voll to speak to the issue raised about the site plan not having been reviewed by Public Works and other staff.

Voll, staff, replied that the process when someone submits a site plan, is that staff schedules a meeting with the Public Works Department, Police and Fire staff. Staff brings it to a Wednesday morning meeting called the Site Plan Review meeting and they indicate any concerns. 99% of the time, the plan is revised to show that the applicant is addressing those concerns. Almost all plans seen by the Commission are different than the original plan. If staff brought the original plan [the Commission], the Commission would be seeing drawings that were not to scale, etc. The whole idea was to get a plan closer to what is needed. This plan was fairly similar to what was brought to Public Works and showed some of the requirements. They wanted a wood fence and they

wanted a curb cut closed. The applicant had indicated that would be closed. The only difference that he noticed was that there was some more parking added. He did not think it would make sense to bring it back to the Wednesday morning meeting and that it would be an undue burden on the applicant to make it through the process. He could speak with the Fire Department staff and make sure that they were OK with this. When he stamped off on a plan, if approved by the Commission, it goes to Public Works who reviews it and if they see something that they don't like, they "red-line" it and it can't be done. It goes through Public Works no matter what. Regarding the issue of the Comp Plan and the LRT Plan, everyone can read those plans and come up with a different opinion. He read the LRT Plan and spoke with Mike Larson who worked on the Plan for the City of Minneapolis. Is a surface parking lot the type of land use we want in the City of Minneapolis? Can you find a surface parking lot in conformance with the policies of the Plan? Probably not. Whenever you have a CUP or a rezoning where you are trying to get permission for a land use, you look at it to see if the Comp Plan allows that type of land use. If it doesn't, if it indicated it should be housing or residential, staff would indicate that they should not build a parking lot. But, where a parking lot is existing and it is permitted and it is site plan review where we are just looking at the design and not saying whether the use was permitted, it was difficult for staff to say that the LRT Plan would suggest transit oriented development and that this was not transit oriented development and deny it. It can't be done that way. What staff does ask is if the design improvements to the parking lot were in conformance with the Comp Plan and the LRT Plan? Everyone can have their own opinion, but in general staff is trying to make the site more aesthetically pleasing and pedestrian friendly. By adding landscaping buffers between the sidewalk and the parking, they were accomplishing those goals and therefore in that sense, it was in conformance with the Plans. That does not necessarily mean that is the optimum land use.

Commissioner Bradley stated that there was no language in the staff recommendation on the sunset of the community gardens and its replacement. He would like to add that as one of the conditions.

Commissioner Bradley motioned, Tucker seconded to adopt the findings prepared by staff and **approve** the site plan review application for a restaurant and an accessory parking lot located at 1501 and 1507 South 6th Street subject the following conditions: 1) Staff review and approval of the final site, landscaping, and snow removal plans. All site improvements shall be completed by October 30, 2002 or permits may be revoked for noncompliance; 2) If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement by April 15, 2002; 3) The site is subject to the applicable development standards for restaurants found in Chapter 536 of the Zoning Ordinance; 4) Dumpsters and trash receptacles shall be screened per code; 5) Provision of properly dimensioned handicapped accessible spaces, one of which is required to be van accessible; 6) Removal or repair of the fencing at the rear of the building at 1507 South 6<sup>th</sup> Street; 7) The new chain link fence along the south property line shall be black vinyl coated chain link fencing; 8) Provision of a three to four foot high wrought iron type fence along the 6<sup>th</sup> Street frontage; 9) Removal of all outside storage and litter on the site; and, 10) The use is subject to the hours of operation (open to the public) under the I1 District unless the applicant obtains a liquor license or a CUP for extended hours.

Commissioner Schiff asked if the community gardens ceased to exist, would the applicant have to add additional landscaping?

President Martin replied he would have to meet the code requirements.

Voll, staff, clarified that the only thing the applicant would have to do to bring this into conformance would be to plant bushes in that area. He wouldn't have to tear up any more asphalt. He would need to plant bushes in that area that would grow to three feet high and that would be 60% opaque to screen the cars.

The motion to approve carried.